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A N
OCCASIONAL LETTER,
Addressed to the
RIGHT HONORABLE
HENRY PELHAM, Esq;
First LORD COMMISSIONER of the
TREASURY,
AND
Chancellor of the EXCHEQUER, &c.

By the Right Honorable
ROBERT ROBINSON, Esq;
Lord Chief Justice of GIBRALTAR.

*Adspice siquid
Et nos quod cures proprium fecisse loquamur;
Nec mea dona tibi studio disp. sta fideli,
Intellecta priusquam sint, contempta relinquo!*

L O N D O N:
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To the RIGHT HONORABLE

HENRY PELHAM, Esq;

First Lord Commissioner of the
TREASURY,

A N D

Chancellor of the EXCHEQUER, &c.

S I R,

HOLD it unnecessary to convey any
Apology to you, *on Account of some*
late Publications *; as that Procedure
was imposed upon me, and was renderd quite
unavoidable, by the unfavorable and adverse
Conduct of your honorable Board, in detaining
B the

* See the CASE of the CHIEF JUSTICE of GIBRALTAR,
truly and impartially stated; in a Letter addressd to the Right
Honorable ARTHUR ONSLOW, Esq; Speaker of the House of
Commons: First published on the Thirtieth Day of November,
1749; and printed for W. Owen, at Homer's Head, Temple-
Bar.

the Money that accrued, and became due, to me, from Time to Time, on Account of *my Salary*, to the Amount of several *Thousand Pounds*; and, by their failing to make a due and suitable Provision *for my Office*; as well as by their neglecting and refusing to repay and re-imburse me the large Sums of Money that I had expended, with a View of carrying the Commission, with which I have the Honor to be vested, into a speedy and regular Execution; and by a Concurrence of many other Circumstances, which are fully enumerated and set forth in the Treatise above refered to.

Sir, the Aim and Intention of *that Treatise* was to prove and demonstrate that your honorable Board had *neither legal Power nor just Reason* to invade or violate my Rights in the Manner that is therein complained of: That *they had no legal Power to authorize a Procedure of that Sort*, is most unquestionably and indisputably true and certain with Relation to my being a *judicial Officer* of the very first Rank and Distinction; and to my deriving *my Right to my Office* under the most solemn and authentic *Forms and Sanctions*; and that they had no Sort of *just Cause, or reasonable Inducement*, to pursue or engage in this oppressive Measure, appears from the Intercourse I had with the *Ministry* from Time to Time, as well as from many other Particulars, that are stated and set forth in the foregoing Treatise.

The late Lord *Orford* (in particular) during the Time, his Lordship acted *as first Commissioner of the Treasury, and Chancellor of his Majesty's Exchequer*, and, at the very Time of his settling the present Appointments upon my Office (upon his declining to comply with Lord Chancellor's Proposition, for granting me a Salary of *One Thousand Pounds* by the Year, and for granting me the further Sum of *One Thousand Pounds*, for defraying the Expences of carrying the Commission into Execution) was pleased to honor me with the most positive and exprefs Assurances, that, when it was thought expedient to send the Commission into Execution, he would not fail to make a further and more suitable Provision for the *Office*; and that, in the mean while, and until my Office was better accommodated, and provided for, I might fully depend upon having the present Appointments regularly and punctually paid me at the Treasury, although I should think fit to remain in *England*, until such Regulations should take Place, and until I should receive proper Orders and Directions from the Treasury, for carrying the Commission into Execution.

And, as neither *Supplies* nor *Orders* have been issued from the Treasury, since that Time, your honorable Board had, consequently, and most certainly, *no just Reason* for stopping and intercepting the Payment of my

Salary, infringing my Rights in the Manner they have done.

I have further shewn, in the foregoing Treatise, that, although my Claim to my Salary was derived and subsisting under no higher Title than a *Royal Privy Seal*; yet, the Judges in *Westminster-Hall* had no better or higher Title to their Salaries, than a *Royal Privy Seal*; with this important and additional Circumstance and Advantage in my Favor, that, as the Grant of my Salary was coupled and *consolidated* with an *Office* that had been granted me under the *Great Seal*, I consequently (and by necessary Construction, and Operation of Law,) became equally, and in the same Manner, entitled to my Salary, as if the Salary itself had been granted, and assured to me, under the Great Seal.

But yet you, Sir, (as it should seem) not regarding the Nature, Solemnity, and Notoriety of my Rights, have made no Scruple to injure and discontent me in the highest Degree, by bringing the heaviest Inconveniences imaginable upon me, by the Means, and in the several Respects beforementioned, as if I was marked out to be denied what was just and reasonable to all Intents and Purposes; only, because, *Sir*, it is in *your Power to do as you please*: Whereas, *Sir*, if Things had held and had been carried in a true and right Course, I ought to have been continued in a constant and uninterrupted Enjoyment and Perception

ception of the Perquisites and Profits of my Salary, all this while; and to have been *immediately* repaid and reimbursed the very large Disbursements and Expences that I had either actually defrayed or incurrd several Years ago, with a View of carrying the Commission into Execution; as well as to have received many other Emoluments and Advantages (*ex Debito Justitiæ*, and without being in the least beholding to you) that have been most injuriously and shamefully denied, and with-held from me.

Sir, if what I have laid down in my former Treatise, is true, and well-grounded, your honorable Board stopped my Salary, under Color and Pretence that I did not proceed abroad with the Commission; at the same Time they absolutely refused to grant me befitting Supplies, or to indemnify me in proceeding abroad with it; and, at the very Time you was discrediting it by all the Means in your Power, both by your Speeches in the House of Commons, and by numerous *negative* Orders at the Treasury; such as stopping my Salary, &c. &c. by which it became notorious, that you had no Intention to send the Commission abroad.

Sir, the Aim and Motive of this Address to you, is, in further *Support, Explanation, and Verification* of the Facts contained in the Treatise above referd to: And I will not make the

the least Difficulty to affirm to you, on this Occasion, that (in my Opinion) a LORD HIGH TREASURER of ENGLAND, or a Board of Commissioners of the Treasury, are as essentially and indispensably obliged to execute and distribute an impartial, equal, and expeditious Justice, to such of the King's Subjects as are Suitors to them, or who have Rights and Demands depending before them, as the *Lord Chancellor*, or *Lord Keeper of the Great Seal* are, within their respective and immediate Province and Jurisdiction. And, for further Proof and Illustration of this Point, I think, Sir, I cannot do better than to refer you to the excellent Advice that the learned and renowned Lord Chancellor *Bacon* gave to Sir *George Villiers*, [afterwards Duke of *Buckingham*.] The illustrious Chancellor beforementioned instructs that great Favorite, so minutely, and exactly, in that most admirable and incomparable Discourse, how he ought to behave and govern himself, with Relation to all Degrees of Men ; and descends to so very particular and distinct a Consideration of the *Good* he might be able to do, as well as of the *Evils* he might prevent, by a due and diligent Application to the Duties and Functions of *his ministerial Employments* ; and, by a due Use of the *Ascendent* he had obtained with his *Royal Master* ; that whoever, in his Circumstances, will take Care to observe and practise those important Rules, cannot fail to become exceeding gracious in the Eyes of both *Prince* and

and *People* *. And, indeed, this Advice, in regard to its Soundness, Efficacy, and Expediency, and to its exquisite and abundant Propriety, on all Accounts, deserves to be written in *Letters of Gold*. It is, Sir, a Pattern, or *Platform*, which I could wish, for the Sake of the Subjects of *England*, that every Lord Treasurer would constantly and invariably pursue. And I have suffered myself to be fully persuaded, that you, Sir, will not put an unfavorable Construction upon my publishing *my Case*, as that Publication as well as the present Address to you have been extorted from me, and have been produced by the foregoing Reasons; and as both the one and the other of these Treatises, are calculated to set you right in a Business of the greatest Moment.

Sir, it hath been industriously given out, that the Stoppage of my Salary at the Treasury, is solely to be ascribed to my own Misconduct, in not carrying the Commission into Execution. But this Objection will be sufficiently obviated, and will receive a very full and satisfactory Answer, by the following very true and honest Declaration, *viz.* That if I had once thought, that the Progress of the Commission abroad had been in the least prevented, or obstructed, at any one single Period of Time, or at any particular Conjunction, in all this While, by any Circumstance or Disadvantage in the Situation of

* See the third Volume of Lord Bacon's Works, *sub fine*; [*Folio Edition*, printed at London, 1730.]

of my Affairs ; I should, in that Case, most willingly have resigned my Office into his Majesty's Hands, and would in that Case have submitted and referd my Rights, Dues, and Pretensions, to be solely and entirely regulated and adjusted by his Majesty's Royal Equity and Discretion, rather than I would have sufferd my own private or particular Ends or Interests in any wise to have hindered, or interferd with the publick Service. But the foregoing Rumor or Insinuation is so far from being true, that, on the contrary, the Disadvantages I have been exposed to, are totally to be ascribed to the Conduct of your honorable Board, in the abovementioned Respects, and to their not re-imbursing me the large Sums of Money that I had expended in the necessary Preparations for carrying the Commission into Execution *. And, Sir, I beg your honorable Leave to observe, on this Occasion, that when your honorable Board thought fit, first of all, to interrupt and intercept the Payment of my Salary, no Delay or Lack of Industry could possibly be imputed to me : For, I was, at that Time, continually employed in providing for the due Execution of the Commission, in Hopes of being repaid and reimbursd all such Expences, as
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* The Sums I have expended on this Occasion, were of far superior Value to the Annuity for Life, or Pension, that the Ministry thought fit to offer me, some Years ago ; and yet this Annuity, (or Overture) if I had thought fit to embrace it, was intended by the Ministry, not only as a Compensation for my Disbursements, but to be in plenary Satisfaction for my Attendances and Solicitations, in passing and perfecting the Commission ; as well as to be the sole Consideration and Inducement for resigning my Right to my Office, &c.

were incident to such an Undertaking. And the Difficulties that have been consequential to such Stoppage and Interruption of the Payment of my Salary, during so long a Course of Years, have been entirely and totally occasioned by the Debts that I had incurred and contracted, *on the Account of the Government*, and with a View of facilitating and expediting the Progress of the Commission abroad.

And here, Sir, I must beg your Leave to observe, that the Conduct and Procedure of your honorable Board, in the abovementioned Respects, was not only contrary to the fundamental Usages and laudable Customs of the Realm, but was absolutely illegal and unwarranted, in the highest Degree.

Sir, the Salaries and *Patrimonies* of Offices of Trust and Dignity, have ever been accounted and looked upon as *Things sacred*; and, *as such*, they have been, always, extremely favored in the Eye and Construction of the Law.

And it is to be ascribed to this great Tenderness and Regard, that the Law hath guarded and provided, as much as possible, against the Violation of these Rights. To this favorable Consideration, Sir, it is solely owing, that the *Clergy* have the Privilege of suing for their *Tythes*, &c. *in their own Courts*; and that the Law hath extended the most indulgent Protection

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tion to them, in many other important Respects, lest the Payment of what hath been destined and dedicated to their Maintenance and Support, should be either unfairly and unjustly eluded, or wrongfully withheld, or withdrawn. This Favor and Tendernefs of the Law, in all such Matters as have been destined and allotted for the better Maintenance and *Countenance* of Offices of Trust and Dignity, as well as for a convenient and necessary Provision for some particular *Individuals*, as in *Dower*, &c. may be shewn, and exemplified in numerous Instances. But, notwithstanding the Certainty and Notoriety of this Truth, yet your honorable Board were not, in the least, attentive to the wise and provident Procedure and Circumspection of the Law, on this Occasion; or to a just or true Sense and Discharge of their Duty; or to the Bounds or Limits of their Authority; or, otherwise, they never would have invaded and violated my Rights, in the several Respects abovementioned. And the Hardship of the present Case will appear in a still stronger and clearer Light when it is considered, that it was thought necessary, *upon the late Revolution*, to give the *Judges* of *England* a FREEHOLD in their Offices, or, at least, to give them such a Tenure or Property in their Offices as falls very little short of it. The Motives that contributed to the *enfranchising* the Judges of *England* in this Manner, and to the rendring *that venerable Body of Men* thus independent of a *Ministry*, may, very naturally

turally and probably, be ascribed to the Inconveniences that followed in the Reign of King *James* the Second, upon that King's assuming to himself a Right to remove and displace them, as often as they traversed or opposed his illegal and *despotic* Measures, by a courageous Defence of our excellent Constitution, and by a faithful Discharge of their Duty, and by meriting well of the public in that Behalf. And, even at that Time, so very great a Reverence and Regard was paid to the Dignity, Rights, and Importance of the *judicial Office*, that even when, by the express Terms of their Commission, their Offices were only during the King's *Pleasure*, yet it was an exceeding rare Occurrence to see a *Judge* discharged, or superseded, by the sole or spontaneous Act or Intervention of the *Royal Prerogative*. And when some of the Judges were set aside in that Reign, by a *Papish* Administration, *under that Pretext*, the Legality of the *Act* was not only much questioned, but extremely and universally censured, and *exclaimed* against.

For, Sir, although the Judges of *England*, before the Variation made in the Terms of their *Patents*, at the late Revolution, held their Places only during the King's Pleasure; yet, by the reverend Usages of the Realm, they were, antecedently to that Period, and before that Alteration *in their Favor*, seldom displaced, or put from their Offices, without just Cause, and without the most evident, and most ur-

gent Reasons. And, consequently, the Alteration, or Innovation, that was made in their Patents at the late Revolution, may seem only declaratory of the *Common Law*, in that Respect, and as solely calculated to prevent all Ambiguity, or Mistake, in a Matter of that great Importance.

And, although I have already acknowledged, in the Narrative of my Case abovereferred to, that the Commission, under which I have the Honor to derive my Title to my Office, and all the Clauses contained in it, are *revocable* at his Majesty's Pleasure; yet have I, in my own humble Opinion, at the same Time, sufficiently shewn, that *this Temperament* was introduced into the Commission solely from *local* Reasons, and from Reasons of State, in Regard to the Town, its being situated in an Enemy's Country; and to its being always invested with a numerous Army of the Enemy; and to its always requiring (of Consequence) a brave and numerous Garrison to maintain and defend it, and, that consequently these Restrictions, or Limitations in the Commission, ought not to be construed, or to conclude, in any wise, to the Hurt or Disadvantage of the *Officer*, who was appointed to bear a principal Share and to *preside* in the Execution of it; but that, as the sole Aim and immediate Drift of sending the Commission abroad, was to transplant and communicate the good and wholesome Laws of *England* to that Part of the *Spanish Main*, that
lies

lies in *Europe*, and is now possessed by the King of *England*, it should seem, Sir, highly reasonable to conclude, and infer, that the *Officer*, who was dignified with a Trust of this great Importance, and who was impowered to dispense and distribute the *English* Laws there, should, (at least, in an equitable Consideration, and Construction,) in his own proper Person, be entitled to the Benefit and Protection of *these* Laws; by being suffered, and acknowledged, to hold his *Office* by the very same Right, and Tenure, that the *Judges* in *Westminster-hall* do; as well with Relation to the foregoing Reasons; as with Relation to *our* Commissions, respectively, being derived under the same Sanctions; and having the same Object, Authority, and Jurisdiction, in all Respects, as hath been fully proved in the Treatise above referred to. And, Sir, it will by no Means follow, by Way of just and reasonable Consequence, or *Induction*, that because *the Repeal of the Commission*, is a Thing, in itself, merely and simply lawful; that therefore such Revocation, or *Recision*, would be, in the least, adviseable, or expedient. But leaving this Argument to prove all and as much as it can *, and relying on such clear and obvious Consequences, and Conclusions; as seem, fairly, and plainly, deducible from it, I proceed, Sir, further to observe to you, that the Stoppage of my Salary, by your honorable Board, was not only effected without any Sort of just Cause, or Reason, as I had not, in any wise, misbehaved; but

* *Valcat quantum valere potest, aut debet.*

but was, in itself, a most oppressive and exorbitant Act. And what I now allege, will, in my humble Opinion, be sufficiently proved by shewing, that the Right, under which I became originally intitled to my Salary, could not be divested, or controlled, in any wise, without the Concurrence and Application of the very same *Formalities*, and *Solemnities*, that were originally necessary to the *Production* and *Creation* of it, pursuant to an ancient and reverend Maxim in the Law * ; and, consequently, every Attempt of your honorable Board to affect or diminish my Rights, must have had as little Countenance and Foundation in, or from the known and ordinary Course of Justice as it had from Reason, or in or from a conscientious and equitable Consideration of Things.

Sir, in many Cases, it is not even in the Power of the *Crown* to destroy, or defeat what it had originally a Power to create and erect : As, for instance, the *King* can, in Virtue of his royal Prerogative, constitute a *Bishop*, or a *Judge*, &c. But it is not always within the Power of the Prerogative, as I humbly conceive, to nullify or divest such Grants, *ad placitum*. And much less does it fall within the just and regular Exercise of the *Rights* and *Powers* of the Prerogative to divest, or extinguish the Produce of a Salary, *ex post facto*, that hath been granted *in the Manner mine hath been* ; at the least,

* Solvitur omne eodem nodo, sive ligamine, quo ligatur, aut constituitur.

least, with Relation to so much, or such Part of it, as was actually, and antecedently, due, and incurred, at the Time of such Attempt made to nullify and extinguish it. And, as touching the *Perpetuity* of the Right; and with Relation to my Right to receive such Profits of my Salary as shall accrue *in future*; if the Question was put to me, whether I conceive it to be within the Power of the King's Prerogative to divest, or determine my *Salary*, or Office, I should answer, *argumentatively*, THUS; That the *Salary* ought, in my Opinion, to be considered as the *Vesture*, or *Garment* of the *Office*; and *as what* the Office neither can nor ought, in Decency, or Justice, to be deprived, or divested of. And then, as to my Right in my Office, and touching the Point, how far my Interest in it may be determinable, or revocable, at the Pleasure of the Crown; *I answer* that such have been the happy and *Halcyon-Days*, that have followed upon the late Revolution, that even although the *Judges* of *Ireland* had not any Alteration made in the Terms of *their Patents*, at the Time the *Judges* of *England* had, but now hold, and have *all long* held their Places, *only during the King's Pleasure*; yet, not one of them, hath been either *unsalaried*, or been ever displaced, or put from their Offices, by the mere Act (or the sole and *spontaneous* Exercise or Intervention of the Powers) of the Prerogative, since the glorious and important Period above described. Neither hath there been any Step, or Attempt, at any Time, made

made or taken (that I know of) since the Period aforementioned, to deprive or divest any of the *Irish Judges* of *their Salaries*, or *Places*; although they neither stand possessed, or intitled to the *one* or the *other*, under such solemn and authentic Sanctions, and binding and corroborating Circumstances, as I do; in Regard to my deriving my 'Title to my Office *under the great Seal of Great Britain*, &c. And the Truth is, that the *Prerogative*, as it is bounded, and circumscribed, by the *Bill of Rights*, and as it hath been exercised, and administered, since the late Revolution, and more especially since the Accession of the present Royal Family, hath proved a most benign and benevolent *Planet*, that hath been pregnant with the kindest and happiest Influences, and with the most diffusive and extensive Benefits, which hath been subject to no *eccentric*, or irregular Motions, or Agitations; *blest* and brightning the whole political *Region*, or *Hemisphere*; and *infesting*, or hurting, or blasting no Part of it. And it is most undeniably true, that even antecedently to the late Revolution, it was a very rare Occurrence to see a *Judge put from his Office*, by the sole, or mere Act of the *Prerogative*; as hath been already noted.

So that under all the foregoing Circumstances, and Reasons, and, even, upon a Supposition, that it is in his Majesty's Power to revoke the Commission, whenever, in his Royal Wisdom, he shall determine for the Expediency

ency of such a Measure, yet, even under this very Supposition, and Concession, the *Officer* ought, most undoubtedly, to have remained in the quiet and undisturbed Possession of *his Office*, and not to have been interrupted, or obstructed in any wise, in the Enjoyment and Perception of any of the Rights, Privileges, Perquisites, Immunities, or Emoluments belonging to it, till the Commission was regularly revoked, and suppressed, *in due Form of Law*. And, even, *then*, the *Officer* would have an undeniable Right, according to all the Rules of Equity and good Conscience, to receive an adequate Satisfaction and Compensation, for the Loss of his Post, or to have a suitable and answerable Provision made for him. But yet your honorable Board (notwithstanding they had neither just Cause nor lawful Warrant for so doing, as hath been already most evidently, and abundantly, proved) have assumed to themselves, a Power to determine and frustrate, not only the Influence and Effects of the *Royal Privy Seal*, in my Favor; but likewise to destroy and defeat the Operations and Sanctions of the *Great Seal*, in that View and Behalf.

That *aristocratical* Board, as it should seem, are sensible, to the full, of the Difficulties that lie in the Way of the Generality of Suitors; and how almost impossible it is for them to contend with the Power of an Administration: And to this it is owing, very probably, that

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many a just Demand lies neglected, or unprosecuted. And yet (it should seem to me to be a very natural and probable Conclusion, and, consequently,) it should seem extremely reasonable to hope that the noble and honorable *Personages* of whom the honorable Board of Treasury always consists, would give the greater Attention and Diligence for the Dispatch and Administration of *Justice*, in Proportion to the high and *pre-eminent* Dignity (and Duty) of their Office ; and in Respect to their being, in some Degree, the Depositories of the King's Conscience ; and in Proportion to their being *overshadowed* and *coverd* in many Respects from legal Prosecutions, by the Reverence that is due to the royal Prerogative ; as it is a fundamental Maxim in the Laws of *England*, in all Cases where the Right is apparent in the highest Degree ; but the Case happens at the same time to be so circumstanced, that it either will not admit of any Remedy, or the Course of Remedy is extremely difficult and hazardous ; that, in all such Cases, the *Equity* and *Conscience* of the *Civil Magistrate* ought honorably and effectually to interpose, and interest itself, for the *Sake* and *Expedition* of *Justice* *.

And it should seem, that the Law doth not easily or willingly entertain hard or disadvantageous Sentiments or Suspicions concerning Persons, who

* *Ubi jus remedio destituitur, in re ipsa valere debet.*

who move in so very high and elevated a Sphere, or who are employd in so very honorable and important a Trust; or otherwise it would most undoubtedly have taken Care to have subjected the Individuals of whom the honorable Board of Treasury consists, from Time to Time, *respectively*, and *personally*, to answer and compensate the Subject in Damages, as often as that honorable Board acted contrary to Law, or engaged in any erroneous or mischievous Resolutions; and more particularly in all such Cases, where it must necessarily be inferd, that that honorable Board had acted contrary to the Lights of Truth, and to the Conviction of their own Minds, in Regard to the plain and abundant Notoriety of the Right; and in such Cases (for instance) where the Money had been provided and appropriated by Parliament; and where the Money had been frequently paid to the *Clamants* in Pursuance of such parliamentary Appointment, and Appropriation; and where nothing had intervened, or been done, that could possibly affect, or alter, or determine the Right; and, more especially, where the whole of this injurious Procedure hath been conducted, and carried on, during a Course of several Years, without his Majesty's Knowledge or Consent; & *Rege inconsulto*, & *signatura regia non apposita*: For, if it was not for the Respect and Reverence, that the Law bears to Persons who act in so high and elevated an Administration, and under so dignified a Relation to the State;

it would Sir, be impossible to find a good Reason, why the Persons of whom your honorable Board consists, from Time to Time, should not be as responsible and liable (in Point of Law) to answer and compensate the Party aggrieved in Damages, with Reference to all or any of the abovementiond Misproceedings, in the same Manner, as *one of his Majesty's Justices of the Peace would be*, for, or on Account of any illegal and unwarrantable Practice, or Procedure, in the Exercise and Execution of his Office ; or as much as a *Chirurgeon, or Taylor, or common Farrier*, would be, for damaging *my Person, my Cloths, or my Horse*, for Want of requisite Skill and Dexterity, in their respective Trades and Professions. And, indeed, Sir, if it was not for the conclusive and unavoidable Force of the foregoing Reason, the Errors and Deviations of the honorable Board of Treasury, ought to be held the less excusable, in regard to their having always the Advice and Assistance of the *King's Council* at Hand, *for their better Instruction and Information, in Matters of Law* ; whenever they think fit to resort to so *assured and infallible* a Guide.

And, Sir, it cannot, in my humble Opinion, be any sufficient Justification, for your honorable Board, to allege, (as a Reason for their stopping and interdicting the Payment of my Salary, in the Manner they have done) that, as the Commission was never carried into

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Execution, nor the Office once duly and regularly officiated, or administered, your honorable Board thought fit to put a Stop to the Payment of my Salary; because it is apparent, in the highest Degree, from what hath been already observed, that this Delay or Omission was not owing to any Default or Neglect of mine; but was solely occasioned by the negative and parsimonious Conduct of your honorable Board, in the abovementiond Respects; to which Procedure all the Discredits and Disadvantages I have been subject to, are indeed solely and entirely to be imputed and ascribed.

Sir, it was extremely natural to have imagined, that a good *Financier* (as you, Sir, are universally acknowledged to be) might have found Motives, from the Circumstances and Occurrences of this Case, to have imitated the good *Householder* in the *Gospel*, who, when he came to settle with and pay off his Laborers in the *Vineyard*, thought it highly reasonable and equitable to pay those that had stood idle, in the same Manner that he did those that had bore the Heat and Burthen of the Day; *because he found their Idleness had not proceeded from their Unwillingness or Backwardness to labor, or from any Fault of theirs; but was solely owing to this, viz. because no Man had employed them* *. But to dismiss the *Allegory* or *Parable*; give me leave to

* Matt. cap. xx.

to observe to you, Sir, that, in regard to its having been fully proved, that I have a legal and undeniable Right to the Arrears of my Salary; as well as to the *accruing Rights of my Office*; the Payment of my Salary ought not to have been obstructed under any Pretence of public Oeconomy, or from any supposed Want of a *ministerial* Interest; but ought to have been constantly and punctually paid me, notwithstanding the *Ministry* have all along thought it inconvenient to have the Commission carried into Execution: For how frequently, Sir, do we see, in the best instituted Governments, *whole Orders of Men* paid for doing *nothing*, or something that amounts to nothing; and, many Times, for doing what is *worse*, or *less than nothing*?

Sir, I was in Hopes, that the Facts and Representations that I had laid down in the *Case*, that I have lately published, would have won you, before this Time, to a tender and equitable Consideration of the Hardships that I had been most unreasonably and unjustly exposed to; and would have inclined you to have granted me a speedy and equitable Redress; but as I have not been so happy as to receive the Effect I desired, and hoped for, from that Publication; give me Leave, Sir, on this Occasion, to put you in Mind of the Assurances that you thought fit to honor me with, almost as many Times as I had the Honor to wait upon you, and that too, for several Years together, *viz. that you would take upon*
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yourself to speak to my Lord Chancellor in my Affair ; that you would use your Endeavours for speeding and obtaining his Lordship's Report, and that you would comply with whatever his Lordship thought fit to direct, in Pursuance of it ; either with Relation to the giving me a suitable Recompence for resigning my Right and Interest in the Commission ; or with Relation to the making a decent and suitable Provision for carrying the Commission into Execution.

Now, Sir, if you should think fit (after all this *Lapse* and Loss of Time, and harsh and injurious Treatment) to comply with the Obligation of your frequently repeated Promises, and Assurances, I do hereby beg leave to assure you, that I shall most thankfully and joyfully embrace this Expedient, and do hereby promise you to stand and abide by my Lord Chancellor's Judgment, and Determination. And your acquiescing in this Expedient, will most assuredly take away all future Pretence from me, of giving you any further Trouble. And as I verily believe, that no Man ever entred upon the Administration of public Affairs with a better Spirit, or with more noble or more honorable Intentions, for the Good of the Community, or the Benefit of Mankind, or for the Advancement of private and public Justice, than yourself, I profess myself to have been, all along, wholly at a Loss how to account for this monstrous Obliquity and Deviation in the foregoing Respects ; unless this *paramount* and
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aristocratical Humor of your honorable Board may, casually, and peradventure, have taken its Rise from a late Decree, or *Adjudication*, in the Exchequer-Chamber ; wherein, and whereby, it hath been judicially determined, that in *that* as well as in *every the like Case*, the Subject, or Suitor hath no Remedy or Redress, *in foro contentioso* ; although his Right be never so fully proved, or admitted. But his only Recourse is by Way of Petition to the *King*, or to the *Parliament* *.

But even with Relation to the Case decreed, as aforesaid, the Justice of the Nation was so eminently conspicuous, and exemplary, that the *Parliament* gave a total Indemnity and Satisfaction to the *Bankers*, in a very little Time after they had suffered a *Nonsuit* in the *Exchequer-Chamber*. But however the foregoing Case hath ever since been understood to be so very considerable an Advantage and Acquisition to all succeeding *Ministries*, that, as to my own Par-

* In P. 14, & *alibi*, of my former Treatise, I have endeavoured to assign some Grounds or Reasons, to shew, that a Prosecution at Law will lie for the Recovery of the Arrears of my Salary ; notwithstanding the Authority of that Case ; as the Judges, who gave their *Opinion* in Favor of that Decision, insisted, *seriatim*, and mainly, and principally, that it would be a very great Hardship, that the *Chamberlain of his Majesty's Exchequer* should be held liable to answer the Process of the Court ; when, in a Course of frequent Probability, he might not always have Effects, in his Hands to answer, *quoad res judicata*. But surely this Objection cannot, in any wise, affect the present Case ; because my Dues and Demands have been fully and specifically provided for, from Time to Time, by Parliament, &c.

Particular, I can most seriously and truly affirm, that they shew no Sort of Regard to the most solid Arguments, where the Affair is not understood to hold a full Congruity with some *ministerial* Expediency, or with some Rule (or *Bilaw*) of *ministerial* Convenience. And yet the leading and governing Motive to a Decision so very favorable to his Majesty's Prerogative, *proceeded* solely and entirely from a *Presumption*, or Conclusion, in Favor of the high and transcendent Majesty of the Kings of this Realm; and upon a special Trust and Confidence from thence deduced and grounded, that a *sacred* and *Royal* Equity would be evermore an Ingredient in the Execution and Administration of the Powers and Rights that are included in it, and thereupon depending. And, indeed, I have met with but one Attempt that bears any Kind of Resemblance to, or that may be, in any Sort, compared with the Procedure that is here complained of. And this Attempt was made in the Reign of King *James* the First, at a Time when (as is abundantly notorious) the *Prerogative-claim* run much higher, and was far more extended, than it hath been since the late Revolution. And even the Attempt that was then made, related only to the Stoppage of the Payment of a Salary at the Exchequer, which was not authorized under such solemn Sanctions as mine is; forasmuch as the Salary (the Payment of which was, in that Reign, thus, un-

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justly stopped, and obstructed) was not authorized under the Sanctions of the great Seal; neither was it annexed to any judicial Office; and much less to a *judicial Office* of the Nature and Dignity above described.

And, even here, the *Ministry*, in those early Times, thought fit to disown the Proceeding, upon the Remonstrances and Allegations of the Party aggrieved, and to reinstate him immediately in, and restore him to, the Possession and Payment of his Salary *.

Sir,

* The following is a true Copy of a Letter that was wrote on the Occasion, by Lord Chancellor *Bacon*, whilst a private Gentleman, to Sir *Vincent Skinner*; who was then concerned in the Receipts of the Exchequer. See the 4th *Vol.* of the above mentioned Edit. of Lord *Bacon's Works*, Folio 584.

“ *To Sir VINCENT SKINNER.*

“ *Sir VINCENT SKINNER,*

“ I See that by your needless Delays, this Matter is grown to
 “ a new Question, wherein for the Matter itself, if it had
 “ been staid at the Beginning by my *Lord Treasurer* and Mr.
 “ *Chancellor*, I should not so much have stood upon it. For
 “ the great and daily Travels which I take in his Majesty's
 “ Service, either are rewarded in themselves, in that they
 “ are but my Duty, or else may deserve a much greater Mat-
 “ ter; Neither can I think amiss of any Man that, in Furthe-
 “ rance of the King's Benefit, moved the Doubt that knew
 “ not what Warrant I had. But my Wrong is, that you hav-
 “ ing had my *Lord Treasurer's* and Mr. *Chancellor's* Warrant,
 “ for Payment above a Month since; you, I say (making your
 “ Pay-

Sir, you have been, during the whole Course of your Ministry, and on all Occasions, eminently the *Champion*, and the constant and avowed Friend and Patron of the Rights and Privileges of Mankind. You have been eminently and constantly an honorable Protector and Patron of the Rights and Privileges of Communitys, and of all publick *Bodies* and *Orders* of Men in this Kingdom; (*viz.* of the *Clergy*, *Judges*, *Civil Corporations*, &c.) as well as of *the Rights of Individuals*.

“ Payments, belike, upon such Differences as are better
 “ known to yourself than agreeable to the Respects of his Majesty’s Service ;) have delayed all this Time, otherwise than
 “ I might have expected from our ancient Acquaintance, or
 “ from that Regard which one in your Place, may owe to
 “ one in mine. By Occasion whereof, there ensueth to me
 “ a greater Inconvenience; that now my Name in Sort must
 “ be in Question among you; as if I were a Man likely to
 “ demand that which were unreasonable, or to be denied
 “ that which is reasonable: And this must be because you
 “ can pleasure Men at your Pleasure. But this I leave with
 “ this: That it is the first Matter wherein I had Occasion to
 “ discern of your Friendship, which I see to fall to this; that
 “ whereas Mr. *Chancellor*, the last Time, in my Man’s hearing, very honorably said, that he would not discontent any
 “ Man in my Place; it seems you have no such Caution. But
 “ my Writing to you now, is to know of you where now
 “ the Stay is, without being any more beholden to you, to
 “ whom indeed no Man ought to be beholden in those Cases,
 “ in a right Course. And so I bid you farewell.

“ FRANCIS BACON.”

And give me Leave to tell you, Sir, that the surest Method of continuing that prodigious Popularity, and Ascendent, that you have gained over the Minds and Affections of your *Fellow-Subjects*, will be by a constant and uniform Pursuit of the same Maxims, and Measures, by which you have originally acquired and ascended to those glorious and distinguishing Advantages. And it will be acting inconsistently with the general Tenor of your Actions, and with the most amiable and shining Parts of your Character, if you should, in my particular Case, any longer avow (or persevere in) a Proceeding, which is so visibly and totally repugnant to the Laws of the Land ; as well as so intirely destructive and subversive of the Rights of the Subject : Wherefore, Sir, I make it my most humble and earnest Request to you, that you would no longer hesitate or procrastinate in a Business of so great Weight and Moment to me ; but that you would either grant me sufficient and besitting Supplies, and Avails, for carrying the Commission into Execution or would grant me more just and equitable Conditions, for resigning and ceding my Right and Interest in it ; and a more just and equitable Compensation, on Account of the Hardships imposed upon me ; than you have hitherto thought fit to offer ; or that you would however answer the Obligation of your frequently repeated Promises, and of your numerous Professions to me, by recommending-

mending and refering the Affair to the Decifion of Lord Chancellor.

Sir, I have, as I conceive, in writing and publishing this and my former Treatise, given you a complete Deduction of the most important and availing Circumstances, and a full and clear *Perspective* into the Nature and Merits of the Case ; I have, by that Means, hung out the *Lanthorn* of *Justice* before your Eyes ; and have told you, in plain and direct Terms, what you ought to do ; as well in Discharge of your Conscience, as for the Honor and Reputation of the *Crown*. And now, Sir, the *Judgment* and *Application* of what I have said, is *yours*.

And here, Sir, it will not, in my Opinion, be amiss to mention a Story, that I have *red*, some where, or other, concerning a certain King of *Antiquity* ; who, while he was diverting himself in the Company of his Nobles and Courtiers, put the following Question to them, *viz. What was the strongest Thing in the World ?* To which Question they all replied (whether *unanimously*, or not ; I will not say ; but *with one Voice*) that his Majesty was undoubtedly the strongest *. But the Sobriety and Moderation of the *Monarch* happened to be such, that he (somewhat rudely, and uncivilly, as it should seem) rejected this Speech of Flattery, and Adulation, from his Courtiers ; and took

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* *Rex est fortissimus.*

Occasion from thence, to inform and instruct them, very gravely and seriously, that that *Homage* and Acknowledgment, which they had, with so much Art and Obsequiousness, and in a dissembling and *personating* Way, paid to his Power and Authority, was only due to *Truth* herself †.

And, Sir, it was solely owing to an infinite Love and Affection to *this same sacred Truth*, that induced and obliged another *heroical Prince*, who was equally a renowned *Warrior, Statesman, and Lawgiver*, when he found, that he had given an unjust and *improvident* Judgment, (in a *Cause*, that came before him,) to pay the *Debt and Costs* to the Party aggrieved, *out of his own Pocket*; rather than he would suffer such a *Monument* of his Injustice to remain upon Record; or such an Injury to pass without receiving a full and adequate Reparation: A Circumstance, which most assuredly did him as much Honor, and tended as greatly to his Fame and Reputation, as the best and wisest of his most celebrated Atchievements, or Decisions; and which I have now mentioned as an *Exemple* worthy to be followed and imitated by all Men, on the like Occasions; *where other Means of Redress fail*.

Now;

† *Veritas est fortissima.*

Now, Sir, I proceed and prepare to close this humble Address to you with most earnestly intreating you to take the Premises into a candid and equitable Consideration; and, that you would pay that Homage and Acknowledgment to *Truth*, on this Occasion; as to evidence to the World, that she is your peculiar Favorite; and, that you consider it as your truest and greatest Glory, and your distinguishing and principal Ornament, to have her, at all Times, and every where, found in your Retinue.

Sir, I think it necessarily incumbent upon me, (before I finish this Address) to ask your Pardon for the great Trouble that I have, most unwillingly, given you, from Time to Time, in the Course of my Solicitations, for asserting and re-establishing my Rights; and, on this Occasion, give me Leave to hope, Sir, that, if you should vouchsafe seriously to reflect on the several Hardships and Occurrences of the Case, you will not be, in the least, averse to grant me this my most reasonable, most humble, and most modest Request. For the rest, Sir, I desire you would honor me with a full and entire Persuasion, that I shall ever remain, under the sincerest and most respectful Acknowledgments of your personal Merits, and public Virtues ;

tues ; and with an intire and profound Esteem,
and most dutiful Attachment,

S I R,

Lincoln's-Inn,
Nov. 14, 1750.

Your most obedient,

Most humble Servant,

ROBERT ROBINSON.

P O S T-

P O S T S C R I P T.

I Think it necessary to explain, and ascertain, in this Place, the Note, or Reference, in the Eighth Page of this Treatise; where I affirm, that the Annuity that was offered me, was not equal in Value to the Sums I had disbursed, &c. The Treasury, indeed, thought fit to offer me an Annuity, *about five Years after they* had stopped my Salary. They offered me an Annuity for my Life, of three hundred Pounds, by the Year, (*Tax-free, and net Produce*) under the *GREAT SEAL*, &c. But then it will be proper to observe, that at the Time of this Overture made, there was no less a Sum due to me, on Account of the Arrears of my Salary, than *three thousand Pounds*, exclusively of my Disbursements; for which see Note (*d*) in the 23d and 24th Pages of my former Treatise. And (*N.B.*) this Annuity was intended to be given me, not only in full Compensation and Satisfaction for resigning my Post; but also for and on Account of all Sums that had been disbursed by me; with a View of carrying the Commission abroad; as well as in Satisfaction of that large Arrear, which Arrear of Salary, alone, by the Continuance of such Stoppage of Payment, amounted to four thousand Pounds, on the 25th Day of *December* last, exclusively of, and without reckoning or including those very large Sums of Money that I have disbursed and expended in soliciting and in passing and perfecting the Commission,

And

And I beg leave to close the Whole with the following Remark, that it will appear very fully and clearly to the Reader of this and my former Treatise upon this Subject, that the Salary of five hundred Pounds, by the Year, that was originally settled upon my Office, and which hath been thus uncivilly and unjustly ravished from me by the Treasury, was intended only as a Sort of *Half-pay*, &c. until the Commission was better accommodated and provided for.

Lincoln's-Inn,
25 *January*, 1750.

Robert Robinson.

N. B. *The B O O K S undermentioned are wrote by the AUTHOR of this Treatise ; and published by William Sandby, at the Ship, over-against St. Dunstan's Church, in Fleet-street.*

I. **A** Discourse concerning the Law of Inheritances in Fee ; laid down in a New Method ; with a Kalendar of the Persons inheritable, &c. first published in *August*, 1736.

II. A Table of Descents in Fee Simple ; printed on one Side of a large Sheet of Paper, after the Manner of a Sheet Almanack ; published 1740.

III. *The Political Magnet ; or, an Essay in Defence of the late Revolution, &c.* published *June 15*, 1745.

Errata.

After the first Word in P. 4 read [*and*]. P. 8. for *interferd*, read [*interfered*]. P. 16. after Agitations, read [*but*]. P. 27. before Clergy, insert [*Nobility*,].



